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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

PARAGUAY

[30 August 1993]

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Introduction

1. This initial report is submitted in compliance with article 44 of the Convention on the Rights of the Child which was ratified by Paraguay in Act No. 57/90 promulgated on 20 September 1990. It was prepared by the Directorate-General for Human Rights of the Ministry of Justice and Labour under the supervision of Mr. Eric María Salum Pires. In conformity with the current Constitution, the provisions of the Convention are incorporated automatically into the domestic law of Paraguay and form an integral part of national legislation.

2. At the World Summit for Children held in New York on 29 September 1990 the Minister for Foreign Affairs of Paraguay, Mr. Alexis Frutos Vaesken, signed the Summit Agreements, committing his Government to comply with and carry out the agreed Plan of Action. By this act, the Government of Paraguay sought to give within the international community a firm undertaking to respect human rights and fundamental freedoms and to initiate a rapid process of change which will provide children with the conditions essential for their full development.

A. General situation of the country

3. With a surface area of 406,752 km^2, Paraguay is divided into two main regions: the Oriental, which accounts for 39 per cent of its territory and contains 98 per cent of its population and the Occidental, which is dry and sparsely populated. It is estimated that 55 per cent of the population of 4,123,550 lives in rural areas.

4. Paraguay is the only genuinely bilingual country in Latin America. The majority of its citizens are equally fluent in Guaraní and Spanish, with Guaraní predominating in rural areas and Spanish in urban areas.

5. With an average annual per capita income of $1,245 and social indicators that point to shortcomings in nutrition, health and education, Paraguay has been classified as a medium developing country according to the methodology used by UNDP in the preparation of the Human Development Index.

6. In recent decades the Paraguayan economy's rate of growth was far higher than the Latin American average. The main reasons are the inclusion of large crops of soya and cotton in the agro-exporting economy and the multiplier effect of the large-scale investment associated with the Itaipú hydroelectric dam at the end of the 1970s.

7. Between 1982 and 1986, a decline in the rate of growth was recorded as a result of adverse climatic conditions and unfavourable external factors stemming from the world recession and the debt crisis.

B. Social Development Policies

8. In April 1989, the new Government approved the 1989-1990 Economic and Social Development Plan. The object of the Plan was to achieve sustained growth and to help to resolve the problems inherited as a result of 35 years

of dictatorship and considered most urgent, namely, unemployment, inflation and social claims. The most significant aspects of the Plan are the following:

(a) Unrestricted foreign exchange to achieve a stabilization of the balance of payments and improved capitalization of foreign currencies;

(b) Tax reform in order to increase fiscal revenue, simplify collection procedures and ensure effective administration;

(c) The promotion of overall rural development and implementation of agrarian reform activities;

(d) The modernization and administrative and institutional restructuring of the public sector with a view to improving the effectiveness of the Government's administration;

(e) The promulgation in March 1990 of the Act for the Promotion of Investment;

(f) The establishment of the Department of Charity and Social Welfare (DIPEN) in April 1989 by Presidential Decree in order to meet the human needs of the groups lacking adequate economic resources.

9. At the beginning of 1989, the democratic Government tackled the promotion of social development policies aimed at improving the living conditions of low income groups:

(a) It established new institutions such as the National Housing Council (CONAVI) and strengthened other institutions such as the National Savings and Loan Bank for Housing and the National Savings and Loan System for Housing by channelling financial resources;

(b) The CONAVI initiated a programme to make dwellings available to individuals with limited resources. It has developed 11 housing projects each comprising 200 houses with basic services and support programmes in various regions of the country. It plans to make a further 3,000 dwellings available.

10. The Government has carried out a series of structural reforms and achieved a better distribution of national income:

(a) The public resources assigned to the social sector were increased by 42.2 per cent in the period from 1989 to 1991 and account for 6 per cent of the GDP;

(b) In the area of agrarian reform and rural settlement, approximately 6,877 families have benefited from the development of 42 settlements. The budget assigned to the Institute for Rural Welfare increased by 130.3 per cent for the period 1989 to 1991;

(c) The Department of Charity and Social Welfare (DIBEN) built and handed over to five communities in the interior cultural and sporting centres, valued at approximately G3,500 million;

(d) The current Constitution provides that the resources earmarked for education in the national budget shall not be less than the 20 per cent assigned to the central Government. Teachers' salaries have been improved, new primary and secondary schools have been built and the human and financial resources of the national University have been increased;

(e) Health has been the focus of governmental action by means of the various curative and preventive programmes. The budget earmarked for this important sector increased by 30.9 per cent in the period 1991-1992.

C. General situation of children

11. In 1989, the new Government took over a country with very disquieting social and economic indicators which had a negative impact on children, since Paraguay currently has 1,943,954 persons under 18 years of age who form 47 per cent of the population (1992 census). The gradual improvement in the conditions created by the emergence of this national set of problems will be a difficult task.

Education

12. The real extent of illiteracy may be as high as 25 per cent. Primary education extends to 89 per cent of the child population from 7 to 14 years of age, with 45,960 children having no schooling. In the year 1993, 150,000 six-year olds are expected to enter primary school, according to data provided by the Office of the Under-Secretary of State for Education. Secondary education accounts for 15.4 per cent of the total population of which 4.2 per cent completes this phase. In the rural sector the situation in respect of education is worse since the school attendance rate is only 32 per cent. The various efforts that are being made to increase taxation and to renegotiate the repayment of the foreign debt inherited from the previous regime are being directed towards making the necessary resources available to tackle this social need.

Health

13. The most serious health problems include high rates of maternal-infant mortality, rates of infant morbidity, rates of vaccination and child nutrition. The main causes of the situation in respect of child health are acknowledged to be the consequences of inadequate sanitation, the lack of health education, inadequate hygiene and poor cover of services for vulnerable groups.

Levels of vaccination

14. There are disparities in the levels of vaccination and its coverage, which is better in urban areas for children of better educated mothers.

Infant mortality indicators

15. According to UNICEF, Paraguay is among the countries having an average rate of infant mortality. Estimates carried out by the Technical Secretariat

for Planning indicate an infant mortality rate (0-1 years of age) of 41 per thousand live births and a rate of 61 per thousand live births for children under five years of age.

Basic health conditions

16. The basic conditions of child health, largely determined by the shortcomings noted, were reviewed by the present Government which made more funding available in areas where there were shortcomings in health care.

Type of family

17. The type of family organization predominating in Paraguay is the extended family in which households include other relatives in addition to their permanent members. This state of affairs occurs in urban as well as in rural areas. Some 79.3 per cent of all families are extended families and 9.2 per cent are nuclear families. The family home is the place in which the Paraguayan child is raised.

Information

18. The mass communication medium that exercises most influence on the child population is television. Paraguay has two major national television networks offering various programmes for children. The cable television system has a channel showing children's programmes exclusively. The written press with supplements for children reaches 15 per cent of the population.

Cultural identity

19. Bilingualism is a cultural feature of considerable importance. According to the 1982 census, 40.1 per cent of the population speaks only Guaraní and 48 per cent Guaraní and Spanish. Some 6.5 per cent communicates solely in Spanish. The Guaraní-speaking groups are precluded from acceding to higher education, in which this situation is not taken into account in teaching programmes. The first National Education Congress decided that the complexity of the bilingual educational process is an issue that has to be confronted in Paraguay as well as included in the reform of education.

Disabled juveniles

20. Estimates based on the data provided by the Department of Special Education of the Ministry of Education and Worship for the year 1990 showed that 444,771 people, or 10.4 per cent of the population, suffered from some form of disability. Of this overall figure, 225,227 individuals were under 20 years of age. In the official sphere there is a Department of Special Education in the Ministry of Education and a free medical and social assistance unit. There are also private organizations that offer assistance. The major difficulty in the way of appropriate and efficient treatment is the overloading of the assistance services which means that disabled persons in the interior of the country have no access to centres and services.

Indigenous children and adolescents

21. It is estimated that there are 80,000 indigenous persons divided into 17 ethnic groups belonging to 5 different linguistic communities; 29,437 are children of school age. Some 33 per cent (9,732 children) have attended primary school and 173 (0.58 per cent) secondary school. Until approximately the age of 4 children stay with their parents. Subsequently they join in the life of the community on an equal footing with adults.

Orphans and abandoned children

22. At the official level, the Directorate-General for the Protection of Juveniles is responsible for the care and reception of these children. There are 73 children's homes in the capital. The Guardianship and Correctional Juvenile Courts enjoy the support of the National Children's Home in its activities in this field. The adoption of juveniles is a measure envisaged in the Juvenile Code to offer a solution to abandoned children. Community schemes such as the "de facto family placement" have been devised to provide care for children and adolescents in this situation.

Child workers

23. In 1991 it was estimated that there were 20,000 child workers in the Gran Asuncion area aged between 8 and 16. The information indicates that 79 per cent of the children working in the street were engaged in such activities as peddling, selling newspapers, shining shoes and minding cars. Of that recorded total, 54 per cent lived in slum areas and 62 per cent came from families which did not have a regular monthly income; consequently the children were obliged to go out to work and to contribute their earnings to the family budget.

Child abuse

24. Although no uniform register of cases of abuse and ill-treatment exists, media reports do not indicate an increase in the number of complaints concerning attacks on the physical and psychological security of minors. In addition to the Directorate-General for the Protection of Juveniles there are other centres that receive complaints or provide legal and psychological assistance to victims, including the "25th of November" women's group, the Health Centre, under the auspices of the Ministry of Health, the Family Department of the Metropolitan Police, and so on.

Young offenders

25. The María Reina Institute (for adolescent girls) and the Panchito Lopez Institute of Re-education (for adolescent boys), both located in the capital take in juveniles who have infringed the criminal laws or misbehaved. An average of 175 young offenders are admitted each year into these institutions; in 87 per cent of the cases they are interned for offences against property and the rate of recidivism is 47 per cent.

Compulsory military service

26. The current Constitution prescribes compulsory military service at the age of 17 and allows conscientious objection; the use of conscripts for activities unrelated to service is also prohibited. Approximately 50,000 young persons are performing military service.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Legislative measures

1. National Constitution

27. The National Constitution, promulgated on 20 June 1992, represents a major advance in bringing national legislation into line with the Convention on the Rights of the Child and contains a series of rules that protect and guarantee fundamental rights. It might even be considered as a catalogue of civil, political, social, cultural and economic rights, and is regarded as one of the most modern and progressive in Latin America:

(a) In Section I of Title II concerning "Rights, Duties and Guarantees", article 4, relating to the right to life, states: "The right to life is inherent in the human being. His general protection is guaranteed from the time of conception.";

(b) Article 5 states: "No one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment.";

(c) Article 6 states: "The State will promote the quality of life through plans and policies which take into account conditioning factors, such as extreme poverty and impediments of disability and age.";

(d) Article 9 states: "Every person shall have the right to protection of his freedom and security.";

(e) Article 10 states: "Slavery, servitude and the trafficking of persons for prostitution or the execution of degrading tasks shall be prohibited.";

(f) Article 21 on the reporting of legal proceedings states: "Juveniles involved in legal proceedings shall not be publicly identified.";

(g) Article 24 states: "Everyone is entitled freely to express their personality, their creative spirit and to form their own identity and image.";

(h) Article 36 states: "The right to conscientious objection on ethical or religious grounds (is recognized) in the circumstances permitted by the Constitution and by the law.";

(i) Article 45 states: "All residents of the Republic are equal as to their dignity and rights. No discrimination shall be permitted.";

(j) Article 41 states: "Full protection for the family shall be promoted and guaranteed.";

(k) Article 52 states: "Parents have a right and duty to care for, feed, educate and support their children while they are under age. Failure to comply with the duty to provide food shall be punished by law.

All siblings shall be equal before the law.

Qualification of parentage in official papers shall be prohibited.";

(l) Article 53 on the protection of the child states: "The family, society and the State shall have the duty to guarantee the child full and harmonious development and full enjoyment of his rights, and shall protect him against neglect, malnutrition, violence, abuse, trafficking and exploitation.

All persons shall have the right to demand that the competent authority complies with these guarantees and punishes those who infringe them.

In the event of conflict, the rights of the child shall be paramount.";

(m) Article 57 states: "Persons with special needs shall be guaranteed health care, education, recreation and vocational training to ensure their full social integration. They shall enjoy the rights granted by this Constitution to all inhabitants of the Republic on a basis of equal opportunity to offset their disadvantages.";

(n) Article 60 states: "Special plans shall be implemented to ensure the reproductive health and maternal and child health of low-income persons.";

(o) Article 72 states: "Everyone has the right to a comprehensive and permanent education.";

(p) Article 75 states: "Elementary education is mandatory. It shall be free of charge in State schools.";

(q) Article 84 states: "Resources appropriated in the national budget for education shall not be less than 20 per cent of the total amount allocated to the central Government.";

(r) Article 89 states: "Priority shall be given to the rights of under age workers in order to ensure their normal, physical, intellectual and moral development.";

(s) Article 128 states: "Military service shall be compulsory and shall be performed with full respect for human dignity.

In peacetime, it shall not exceed 12 months.

Conscientious objectors shall serve in welfare centres designated by law.

Personal military service not defined by law or for the benefit or profit of private citizens or organizations is prohibited.".

2. Draft Juvenile Code

28. In order to comply with article 4 of the Convention, in November 1991, the Directorate-General for the Protection of Juveniles of the Ministry of Justice and Labour began work on the reform of the Juvenile Code (Act No. 903/81) to bring it into line with the Convention. For that purpose, a technical team engaged by UNICEF and consisting of lawyers, teachers and psychologists working with young people, together with organizations specializing in those areas, tackled the analysis and adaptation of the rules in the Code.

29. In August 1992 the draft Juvenile Code was formally submitted. It is considered to be progressive and differs from the earlier Code which was paternalistic in its approach. It abolishes the stigmatizing concept of "minors in irregular situation", and is based on the principle that juveniles should enjoy fundamental rights, irrespective of their social origin. It also recognizes the right of juveniles to special protection in keeping with their physical and mental development. This draft is now before the appropriate committee in the Chamber of Deputies for consideration and subsequent approval.

30. On 26 October 1992, Act No. 122/91 establishing exemption from arrest and custody pending trial was promulgated. This Act also concerns juveniles charged with offences coming under criminal jurisdiction.

31. Act No. 1340 amending Act No. 357/72 punishing unlawful trafficking in narcotics and dangerous drugs and other related offences, provides for preventive measures and for the rehabilitation of drug dependents. Article 14 states that: "Any person supplying narcotic substances and dangerous drugs or products containing them to a minor shall be sentenced to 10 to 25 years' imprisonment."

32. Article 315 of the Penal Code has been amended to read as follows: "The penalty for rape shall be: 1. Eighteen to 24 years' imprisonment if a juvenile of between 11 and 16 years of age is involved. If the victim dies as a result of the rape, or if the crime is committed by more than one person on the same occasion, the penalty shall be increased by one half."

33. Article 325 of the Penal Code has been amended to read as follows:

"The penalty for abduction shall be:

1. Three to six years' rigorous imprisonment if the victim is below the age of 12;

2. Two to four years' rigorous imprisonment if the victim is below the age of 15 or is a married woman;

3. One to three years' rigorous imprisonment for all other cases."

B. Administrative measures

34. The Directorate-General for the Protection of Juveniles, which is the only official administrative child welfare agency, was set up by article 317 of Act No. 903/81. Its functions and powers are as follows:

(a) To plan and implement programmes for children and young persons;

(b) To protect the rights of children and adolescents;

(c) To provide protection for pregnant women;

(d) To provide assistance for all children and young persons in an irregular situation;

(e) To report and prosecute anyone who assaults a young person;

(f) To supervise the working conditions of young persons;

(g) To register and supervise child welfare institutions;

(h) To promote legislative reform;

(i) To ensure the proper running of child welfare institutions;

(j) To promote the basic and further training of human resources.

The Directorate has embarked on a number of welfare programmes for children in an irregular situation, suffering neglect or in physical or moral danger.

35. The Directorate-General for Human Rights was set up by Decree No. 8099 of 24 December 1990, under the Ministry of Justice and Labour, with the basic tasks of:

(a) Disseminating and promoting all international human rights instruments ratified by Paraguay;

(b) Promoting legislative reforms.

36. In the run-up to the municipal elections, candidates for the municipality of Asunción, meeting at the invitation of the Health Writers' Association (CPPC) and the United Nations Children's Fund (UNICEF) signed a Commitment to the children of Paraguay. This agreement provides that the signatories undertake, as citizens and municipal councillors, and as part of the major national crusade on behalf of the children of Paraguay, to give absolute priority to the various community programmes. In response to this agreement, those elected drafted child-care programmes.

37. In 1992 children and young persons' services were set up in a number of municipal authorities, such as the Secretariat for Children and Young Persons in the municipality of Asunción and the Municipal Secretariat for the Protection of Minors in Ciudad del Este.

38. According to the 1982 census, 89 per cent of the child population between 7 and 14 years received primary education; 45,000 children had no schooling during the year. Some 15.4 per cent of the total population went on to secondary education while only 4.2 per cent completed it; 2.7 per cent of the total population proceeded to higher education.

39. For 1993, an increase of over 31 per cent of the health budget has been allocated to expand health services and staff.

40. In 1990, 10.4 per cent of the population suffered from some form of disability; 225,227 of them were below the age of 20. The Department of Special Education in the Ministry of Education is the body responsible for the educational needs of this group; it also supervises the activities of an official body which provides medical and social care free of charge for the disabled. There are other voluntary and subsidized agencies involved in providing health, educational and employment assistance to disabled children and young persons. One of the worst difficulties has been the centralization of welfare services in urban areas and the lack of comprehensive programmes that would provide continuing care from an early age.

41. The National Plan of Action for children was set up by Decree No. 14.892 of September 1992. The present 10-year Plan of Action was drawn up by the National Inter-Agency Coordinating Committee Paraguay-UNICEF, consisting of:

(a) The Ministry of Public Health and Social Welfare;

(b) The Ministry of Agriculture and Livestock;

(c) The Ministry of Justice and Labour;

(d) The Technical Planning Secretariat;

(e) The Catholic Church;

(f) The Paraguayan Medical Association;

(g) The Paraguayan Paediatrics Association;

(h) The National Council of Charitable Organizations.

UNICEF provided technical assistance.

42. Taking into account the Government's priorities and the World Declaration on the Survival, Protection and Development of Children signed by the Government of Paraguay at the World Summit for Children in New York in September 1990, and on the basis of forecasts and analyses made in Paraguay, the Plan of Action aims at implementing a comprehensive set of programmes by means of co-ordinated action in the public sector, by non-governmental organizations and by the community to achieve the following targets:

(a) To reduce infantile and maternal morbidity and mortality and acute and general malnutrition;

(b) To promote access to drinking water and health services;

(c) To consolidate and expand enrolment and attendance in basic and primary education;

(d) To reduce illiteracy;

(e) To protect children with special difficulties.

43. Taking into account its purpose and context, the Plan of Action represents a political commitment by the Government of Paraguay and provides a general framework for its social policies aimed at realizing the objectives and programme of the Plan of Action of the World Summit for Children, while at the same time upholding the criterion of high priority irrespective of any political changes which might occur in the country.

44. The Co-ordinating Committee for the Introduction of the Plan of Action for Children is composed of representatives of the above-mentioned bodies under the chairmanship of Dr. Agustín Carrizosa, of the Ministry of Health, who has stated that the plan has entered its first phase of implementation with the following activities:

(a) Preparation of the budget which has already been approved;

(b) Decentralization of the Plan and its transfer to the various health regions of the country;

(c) Organization of regional committees;

(d) Participation in the Educational Reform Conference with proposals for action in the field of education;

(e) Organization of information seminars.

Metropolitan Police Family Department

45. This department is developing a programme for young offenders and children with special difficulties in the following areas:

(a) Prevention: preventive work is carried out in conjunction with the women's and adolescent boys' branches and the family section of each police station and involves:

(i) Training of police personnel;

(ii) Special treatment of young detainees;

(iii) Liaison with the Judiciary from the police station;

(iv) Instruction for parents of young offenders;

(v) Compulsory check on street children in cooperation with the relevant police station;

(vi) AIDS prevention workshop;

(vii) Individual and free legal aid;

(viii) Preventive workshops in the family section of each police station.

(b) Institutional coordination: Coordination of activities with the Ministry of Education and Worship, the Ministry of Health and the Family Division of the Archdiocese and the organization of talks on the prevention of violence, family relationships and AIDS prevention.

(c) Scope of assistance: Therapeutic and legal aid totally free of charge at all levels: parental, generation, adolescent, child, for victims of abuse, abusers and self-help groups.

(d) Analytical activity: Monthly statistical report and analysis of annual trends in crime.

C. Information measures

46. In relation to article 42:

(a) Eight-hour training courses for the technical guidance team at the Ministry of Education and Worship, consisting of advisers, child guidance experts, social workers, psychologists, and run by experts from the Directorate-General for Human Rights;

(b) Children's Week (10-14 August), during which the Directorate-General for Human Rights organized talks and courses on the Convention at various schools in the capital;

(c) Youth Week (14-20 September): Talks on the Convention and secondary educational institutes by experts from the Directorate-General for Human Rights;

(d) Training courses for primary school supervisors aimed at encouraging them and headmasters to incorporate human rights into the school curriculum. Eighty supervisors from various parts of the country took part;

(e) In the area of formal education, an international event was held from 10 to 12 August 1992 with the Inter-American Institute of Human Rights, the theme of which was the "First educational seminar on human rights". The subjects covered were human rights educational policy for formal teaching, curricular changes, adaptation of texts and subject matter, and non-formal system of education;

(f) As part of the promotion and dissemination of the Convention on the Rights of the Child, a magazine has been prepared and published jointly by the Directorate-General for Human Rights, the Centre for the Protection of Minors and the Directorate-General for the Protection of Juveniles, containing cartoons illustrating the articles of the Convention by the Paraguayan artist

Nico, together with posters on the subject, under the auspices of UNICEF. Ten thousand copies of this magazine have been distributed to the libraries of the primary educational establishments;

(g) The Directorate-General for Human Rights, with the assistance of the Human Development Programme, the Department of Charity and Social Welfare, the Ministry of Education and Worship, and UNICEF launched the most wide-ranging event: "The children's election campaign: Children, vote for your rights";

(h) The Directorate-General for Human Rights, in conjunction with the Ministry of Education, is organizing a second major event to promote awareness of the Convention: the "Youth Elections", which will be held during the first half of June 1993 in the secondary education establishments throughout the country;

(i) A course has also be planned for April on methods and subject-matter for human rights teaching.

D. Coordination measures

47. On 1 June 1991, the Human Development Programme in coordination with the United Nations Development Programme (UNDP) and the Ministry of Agriculture and Livestock, the Ministry of Public Health and Social Welfare and the Ministry of Education and Worship officially initiated a joint project with the following objectives:

(a) To reduce nutritional deficiency among children, by providing 53,000 school meals for children suffering from nutritional deficiencies in the country's interior;

(b) To contribute to the elimination of goitre, which is endemic in Paraguay, by purchasing and distributing to the school population 600,000 capsules of iodized oil, and through an educational campaign to promote the use of iodized salt entitled "Stop goitre among Paraguay's children". The project is now fully operational.

48. In conjunction with numerous medical centres, the Department of Charity and Social Welfare is implementing a comprehensive programme to identify and evaluate factors affecting the high rate of maternal and infant mortality and to implement programmes and measures to reduce the relevant mortality levels.

49. The Ministry of Public Health and Social Welfare has established, through the Department of Social Welfare, an advisory board on issues relating to children and young persons, which a number of specialists and members of non-governmental organizations, have been invited to attend.

50. In April 1992 the Ministry of Education established the National Youth Council which has held a number of preparatory meetings for its future activities.

51. The National Inter-agency Coordinating Committee will administer the National Plan of Action for Children, approved by Decree No. 14892, of September 1992.

52. The purpose of the Inter-agency Commission, which comprises the Directorate-General for Human Rights, the Ministry of Education and Worship and non-governmental organizations, is to prepare campaigns to develop knowledge of the instruments ratified by Paraguay within the formal educational system.

53. The Directorate-General for the Protection of Juveniles, whose principal aim (as determined by Act No. 903/81) is to coordinate and monitor the activities of all public and private bodies working for the welfare of children and adolescents is required gradually to draw up an institutional policy concomitant with the development of its resources and personnel.

II. DEFINITION OF THE CHILD

54. There is no definition of the child in Paraguayan legislation and regulations. The age of majority is 20; children may not be held criminally liable until the age of 14. The minimum age at which part-time work is authorized is 12, domestic employment is authorized from the age of 15 and full-time employment from the age of 18.

55. Persons acquire full civil rights and the right to conduct their affairs at the age of 18. The minimum age for matrimony is 12 for women and 14 for men.

56. Men perform compulsory military service from the age of 17 and may voluntarily enlist, with legal authorization, from the age of 15.

57. Any statement in a court is invalid if the child is below 14 years of age. Children below 15 years of age may not be given custodial sentences.

58. Children below the age of 18 may not enter establishments that are open at night. Alcoholic beverages may not be sold to persons under 18 years of age.

III. GENERAL PRINCIPLES

A. Non-discrimination

59. Chapter III of the 1992 Constitution (from arts. 45 to 47) establishes that all persons are equal and prohibits discrimination.

60. Article 30 of the draft Juvenile Code prohibits discrimination and prescribes the adoption of measures to protect minors. However, some forms of discrimination still persist, such as discrimination against children from ethnic or racial minorities or disabled children.

61. There are private organizations that combat discrimination. The Department of Charity and Social Welfare operates a programme of assistance for the handicapped. As part of the programme, a national plan for disabled persons has been developed and formulated with the cooperation of UNDP.

B. Best interests of the child

62. Chapter IV, article 53 of the 1992 Constitution emphasizes the best interests of the child and stipulates that the family, society and the State shall have the duty to guarantee the child full and harmonious development and full enjoyment of his rights, and shall protect him against neglect, malnutrition, abuse, trafficking and exploitation. All persons shall have the right to demand that the competent authority complies with these guarantees and punishes those who infringe them.

63. In the event of conflict, the rights of the child shall be paramount.

64. The Juvenile Code stipulates that any measures adopted shall take into account the best interests of the child.

65. Health has been the focal point of government measures, through its various preventive and remedial programmes. The budget of this major sector increased by 30 per cent between 1989 and 1991. Funds earmarked for health, nutrition, food, education, water and sanitation and for children in particularly difficult circumstances are due to be increased further in order to address the social backlog that has developed in Paraguay as a result of a long dictatorship that for decades ignored the demands of the population.

C. The right to life, survival and development

66. Article 4 of the Constitution states that the right to life is inherent in the human being. Protection of the right is guaranteed from the moment of conception. Articles 53, 67 and 72 guarantee the survival and development of the child.

67. As has already been observed, the problems relating to juveniles pose a considerable challenge, as the under-14 age-group makes up 41 per cent of the country's total population and the under-18 age-group 46.7 per cent. A significant percentage of this group is made up of children with difficulties or at risk, who require special and urgent measures on the part of the State.

68. The fact that increasing numbers of children work puts them at risk and is the source of numerous complaints of ill-treatment and sexual abuse. An estimated 15,000 minors work "from" and "in" the streets of Gran Asunción.

69. The situation of minors is most acute in the frontier towns of Pedro Juan Caballero, Ciudad del Este and Encarnación.

70. The infant mortality rate is 41 per thousand live births. The main causes of death in this age-group are perinatal conditions (36.42 per cent), infections affecting newborn children (10.16 per cent), neonatal tetanus (1.46 per cent), diarrhoea (13.63 per cent), pneumonia and influenza (12.27 per cent) and congenital anomalies (6.29 per cent). As regards morbidity, in 1990 acute respiratory diseases were the primary cause of morbidity (102,529 cases). Diarrhoea was the second cause, with 27,209 recorded cases and malnutrition the third cause (4,778). The causes of

mortality in the 1 to 4-year age-group were, in order of importance, diarrhoea, pneumonia, violence and septicaemia, which accounted for 56.18 per cent of deaths.

71. There are 74 public- and private-sector institutions in the capital, which care for 2,155 children aged from 0 to 15 years, providing 25 per cent of total coverage. There are 11 approved establishments in the interior of the country, providing 5 per cent of total services.

72. Vaccination rates among children under 1 year of age has risen from 51 to 90 per cent in the case of BCG, from 55 to 79 per cent in that of DPT, from 46 to 69 per cent in the case of measles and from 36 to 44 per cent in the case of antitetanus vaccination of pregnant women. Since 1990 vaccination against polio has achieved levels exceeding 90 per cent.

73. The Department of Charity and Social Welfare and the Ministry of Public Health and Social Welfare are jointly implementing a comprehensive programme to identify and evaluate factors affecting the high rate of maternal and infant mortality, and introducing programmes and measures designed to reduce it.

74. A total of 93.6 per cent of children of primary-school age receive primary education; coverage at this level is thus higher. None the less, there are problems with children who drop out of school or who lag behind. The difficulties include the budgetary deficit, inadequate infrastructure, incomplete schooling in certain rural areas, inadequate training of teachers and the problem of bilingualism for which are taken into consideration in the curricula; 15 per cent of the total school population enters secondary education, although only 4.2 per cent completes it.

75. A report submitted by the Ministry of Education has indicated that in 1990, 45 per cent of secondary-school pupils failed their exams; this is attributable to a stricter system of assessment throughout the country, overcrowding in classrooms, run-down school premises. According to the report, bilingualism is one of the reasons why 20 per cent of Paraguayan children fail to attend school, 21 per cent repeat their school year, 65 per cent fail to complete primary school and 30 per cent drop-out during the first cycle of primary education.

76. A number of activities are organized in order to reduce the school drop-out rate and to develop closer relations between home and school. For example, there are schools for parents, home visits, meetings with parents or guardians and running the school meals service. There have also been encouraging developments with the establishment of an advisory commission on educational reform, which has held regional consultations. The first proposals to come out of these meetings are the following:

(a) A bilingual first cycle of primary education in order to avert or considerably diminish the lack of motivation and the drop-out rate;

(b) Decentralization and regionalization of education in order to adapt it to regional characteristics.

D. Respect for the views of the child

77. Children are as a rule required to comply with school rules, which generally lay down more duties than rights.

78. The participation of students in the grade or class councils has led to greater freedom to settle matters connected with the interests of children and adolescents.

79. Unfortunately the views of children are rarely taken into account in judgements concerning custody or in wardship decisions in general.

80. A statement by a child or adolescent does not constitute sufficient evidence to initiate criminal proceedings for sexual abuse, for which conclusive medical certificates are required.

81. Under the current Civil Code, children aged under 14 are legally incompetent; accordingly, they require a legal representative to settle any disputes.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality

82. Article 11 of the draft Juvenile Code states that a newborn child is to be identified by taking foot- and fingerprints of its parents. If the father is absent the mother will provide prints, and vice versa. Article 12 states: "The print must be taken within 24 hours and filed with the Civil Registry Office within 36 hours of the birth of the child". Article 13 reads: "Any child of either sex shall be entitled to know his or her identity and to initiate judicial proceedings to determine his or her origin and natural parents". Article 14 states: "The relevant judicial investigation shall be confidential".

B. Preservation of identity

83. As already noted, according to the data of the 1982 census, the majority of the population speaks Guaraní. A total of 40.1 per cent of inhabitants exclusively speak Guaraní; 48.6 per cent speak Guaraní and Spanish and 6.5 per cent exclusively Spanish. Guaraní speakers found it impossible to enter higher education, as the curricula make no provision for the language problem. According to the Ministry of Education and Worship, bilingualism is one reason why 21 per cent of pupils repeat first grade, 65 per cent drop-out of school before completing primary education and 30 per cent drop-out of school in the course of the first cycle of education. The new wave of educational reform must necessarily address the complex nature of the bilingual educational process. Consideration will have to be given, within the reform, to teacher training, the adaptation of texts, content and methodology.

84. Article 62 of the current Constitution establishes: "The right of indigenous peoples to preserve and develop their ethnic identity within their habitat is hereby recognized and guaranteed. They shall also be entitled to

practise freely their systems of political, social and economic, cultural and religious organization, and to observe freely their customary practices in regulating their domestic affairs, provided they do not violate the fundamental rights laid down in this Constitution."

85. Article 24 of the Constitution states that: "Everyone is entitled freely to express his personality, his creative spirit and to form his own identity and image. Ideological pluralism is guaranteed."

C. Freedom of expression

86. Article 25 of the Constitution states: "The free expression and dissemination of thoughts and opinions without any form of censorship are hereby guaranteed. No law shall be passed that might restrict or hinder these rights. All persons shall have the right to provide, process or disseminate information and to use any effective legal instrument to achieve these goals."

87. The Ministry of Education and Worship has introduced programmes to promote active and constructive participation by children and adolescents: the grade and class councils. The Office of the Under-Secretary of State for Education also convened secondary students to the Higher Educational Institute for a consultative pre-congress for educational reform, whose conclusions were submitted to the First National Congress on Educational Reform held in December 1992.

D. Freedom of thought, conscience and religion, association and of peaceful assembly

88. There are currently several organizations in Paraguay which provide young people with an alternative means of expression. In the political sphere, as well as in the spheres of student life and religion, young people are organizing themselves to develop projects to achieve greater participation in areas hitherto restricted to adults.

89. The Federation of Secondary Students has submitted to the parliamentary Constitutional Affairs Commission the "student ticket" project, whose aim is to reduce the cost of travel by public transport.

90. However, students, and in particular secondary-school students, encounter problems in forming associations and setting up student centres within the educational centres. There are currently numerous recently established centres, which came into being because students needed to solve their problems methodically and to organize as an effective force in order to press their claims. In response to this move, the Ministry of Education and Worship has recently decided to encourage and facilitate student participation in academic and corporate affairs.

91. Other organizations, such as the Federación de Estudiantes Secundarios (Secondary Students' Federation (FES)) and the Frente Juvenil Democrático de Luque (Luque Democratic Youth Front (FJD)), are organizing activities as part of a "consciousness-raising programme". The organization that currently wields the most influence is the Catholic Church, thanks to its progressive

line in terms of the objectives laid down for its youth organizations, with the establishment of the Youth Mission, catering specially for young people.

92. There are no official measures to encourage participation by children in developing and administering areas within which children may express themselves in the media, apart from a number of private activities.

E. Protection of privacy

93. The child's privacy is guaranteed by the Constitution, and the Juvenile Code stipulates that no publicity shall be given to matters involving minors.

94. Article 10 of the draft reform of the Juvenile Code establishes the right to "... protection for family life within the home, to be treated as befits the child's degree of development, and to all the rights contained in the Convention on the Rights of the Child".

F. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

95. The current Constitution, the Juvenile Code, the draft reform of the Juvenile Code, the Juvenile Correctional Court, the Directorate-General for the Protection of Juveniles and non-governmental organizations concerned with children prohibit, protect, control, report and punish any form of cruel or inhuman treatment of children; nevertheless, a number of police detention or rehabilitation centres continue such practices. However, whenever any complaints are received concerning police detention centres or rehabilitation centres, they are immediately investigated. In addition, the local press cooperates by reporting matters that merit investigation, thereby to some extent helping to check and prevent the commission of such violations.

96. The "Panchito López" Institute for Young Persons, which accommodates young offenders, was recently investigated following repeated complaints. In order to provide better care, the Institute was transferred to the capital. Although the premises are small to accommodate 175 detainees, the detainees have easy access to their relatives and to judicial proceedings concerning them. The Directorate-General for Human Rights is implementing a legal aid programme for children in a situation of critical poverty within the above Institute. Its main objective is to provide legal assistance to children classified as being in a state of critical poverty. The programme has six legal advisers from the Directorate-General and since it was set up it has settled 80 cases, in some cases by speeding up legal procedure and in others obtaining the release of the children.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

97. The predominant type of family structure in Paraguay is the extended family, in which households include other relatives among their permanent members. Extended families predominate in both urban and rural areas, and account for 79.3 per cent of the total number of families. The figure is higher in rural areas, 83.5 per cent, while the percentage of extended families in urban areas is 73.5 per cent. Only 9.2 per cent of families are of the nuclear type. Another type of family which is more common than the

nuclear family is the composite family, representing 1[illegible]4 per cent of the total: 13.5 per cent in urban areas and 8 per cent in rural areas.

98. On the basis of the 1990 household surveys the population of metropolitan Asunción is 1,150,806 (27 per cent of the country's total population). It is noteworthy that the predominant type of family is the nuclear family, which accounts for 46 per cent of the total. Extended families account for 37 per cent and composite families 11 per cent.

99. The family is undoubtedly the sphere in which the socialization of children begins, through which they enter society, in short, the type of family organization is an important factor in their development.

100. Chapter IV, article 48, of the Constitution states that "... the family is the basis of society. Comprehensive protection for the family shall be encouraged and guaranteed."

101. In 81.9 per cent of families, the head of the household is a man. Women are thus the head of the household in 18.1 per cent of cases. The number of male heads of household is higher in rural areas. Women only assume the role of head of household in the absence of a male companion.

102. Title I, article 8, of the Juvenile Code establishes rights for minors and the draft reform of the Juvenile Code, chapter IV, contains articles to protect the family environment of minors. If minors are separated from their family, alternative types of care may be provided, such as family placement, care by relatives and adoption.

103. The difficult living conditions, above all in rural areas or marginal urban areas, means that children are placed by their parents or guardians in the service of other wealthier families. This private oral custodial arrangement, without any safeguard, and which constitutes a form of unlawful custody, frequently leads to exploitation of children's labour, and to physical, emotional or sexual ill-treatment.

104. State protection for children in a situation of moral or material neglect, homeless or unsupervised children, children who live from begging or charity (art. 221) is provided by the Directorate-General for the Protection of Juveniles, which has a register of over 74 residential institutions of various kinds for minors, and which are periodically inspected by its Social Service Department. Guardianship and correctional juvenile courts provide minors in these circumstances with assistance on a continuing basis by ordering their temporary placement in the National Children's Home or in other institutions whose statutes authorize them to take in minors at risk.

105. The juvenile guardianship magistrate is responsible for awarding minors for adoption. Adoption is a serious problem in Paraguay. For a number of years, so-called "international" adoptions have given rise to bitter controversy. Paraguayan legislation makes no specific provision for simple or full adoption of Paraguayan minors by foreign adoptive parents resident abroad. The ruling adopted by the Supreme Court (No. 22), abrogated pursuant

to the adoption of Act 57/90 by another ruling No. 45/90, temporarily suspended the adoption of minors by foreigners living abroad, although it remained possible for those living in Paraguay.

106. Paraguayan minors adopted by foreigners resident abroad may leave Paraguay after the completion of the adoption procedures in accordance with the provisions of Act 903/81, Juvenile Code, once the final ruling and other documentation have been legalized, the minor has been registered under the name of his adoptive parents and permission has been obtained from both the respective court and the Directorate-General for the Protection of Juveniles. The Adoption and Family Placement Office interviews the applicants, carries out the requisite psycho-sociological investigation and draws up the waiting list. The juvenile guardianship courts supervise the adoption process; both bodies currently give preference to adoptions by Paraguayans.

107. The responsibility for approving the accommodation for minors awaiting adoption, which generally take between 8 and 10 children, lies with the Department of Juvenile Affairs, subject to investigation of conditions.

108. As Paraguay has signed no bilateral or multilateral agreements on adoption, it is difficult to control the so-called international adoptions and the periodic report from adoptive parents is entirely voluntary.

109. Cases of the unlawful transfer and detention of minors have recently come to light in Paraguay. Individuals involved in the so-called "baby traffic" are in the hands of the ordinary courts. As far as complaints concerning disappearances, abductions, theft, and unlawful detention of minors are concerned, the Criminal Investigation Department of the Metropolitan Police has opened a complaints office.

110. As a rule, there are no statistical records providing exhaustive and up-to-date information on the number of homeless children or children suffering from abuse or neglect. Such statistics as do exist are unreliable or are dispersed in various departments. The Directorate-General for the Protection of Juveniles is required, pursuant to article 318 of the Juvenile Code, to provide assistance to all minors in such circumstances, and to report and prosecute anyone who violates the physical and moral integrity of minors.

111. The Directorate-General for the Protection of Minors and other bodies receive complaints concerning ill-treatment and sexual abuse of minors. The "Primeros Auxilios" (First Aid) health centre and the health centre of the Ministry of Public Health and Social Welfare receive and carry out clinical diagnoses of cases involving ill-treatment and abuse. All Paraguay's police departments and in particular the Family Department of the Metropolitan Police receive complaints concerning abuse of minors, as do the Human Rights Commission of the Chamber of Deputies and the Juvenile Courts.

112. The National Campaign for the Prevention of Abuse and Ill-treatment, involving a number of organizations was launched under government auspices, and through the Family Department of the Metropolitan Police. Also under government auspices a number of centres receive complaints or provide technical, legal and psychological assistance to the victims of abuse or ill-treatment. The Centre for the Protection of Minors, the "25 de Noviembre"

women's group, the Tecoyoya Foundation and other organizations fulfil the same role. The Government has made no provision for the physical and psychological rehabilitation or for the reintegration into society of minors who have suffered abuse or ill-treatment.

113. No official or private agency has a consolidated and detailed register that provides information, on the basis of age, sex, ethnic or national origin, rural or urban background, on the number of children in the following categories:

(a) Homeless children;

(b) Child victims of abuse taken into care;

(c) Children placed in foster homes or in institutions providing care;

(d) Children adopted in Paraguay;

(e) Children who leave the country in accordance with international adoption procedures.

114. It is not the usual practice to make periodic inspections of the conditions of care. However, the guardianship and correctional courts may request inspections in the case of minors under their jurisdiction.

VI. BASIC HEALTH AND WELFARE

115. On the basis of data from the Ministry of Public Health and Social Welfare's Department of Biostatistics, 8.5 per cent of the population aged between 10 and 19 die from infectious or parasitic disease. According to data from the Ministry, the main five causes of mortality among minors aged from one to four are pneumonia, diarrhoea, meningitis, undernutrition and anaemia. The infant mortality rate is 40 per 1,000 live births. Mortality among children aged under one is still extremely high and is attributable to the following causes: injuries caused during delivery, diarrhoea, congenital pneumonia, septicaemia, neonatal infections, undernutrition and anaemia, meningitis and tetanus.

116. Although the Ministry of Public Health and Social Welfare has given priority to mother and child care, there are still difficulties in providing a country-wide coverage. A total of 63.4 per cent of Paraguay's population is registered with the various departments of the Ministry of Public Health, although no data are available on the percentage of the population with actual effective access to the Ministry's services. A number of health centres possess mother and child units, although the lack of a children's hospital is responsible for the dispersal of departments, and for a level of care that depends on the means, professional capacity and infrastructure of each health unit.

117. As regards social security, mention should be made of the services provided by the Social Security Institute and its various regional centres, although users frequently complain of the inadequacy of its services.

118. Data for 1990, provided by the Department of Special Education of the Ministry of Education and Worship Statistics and Census Division, estimate that 444,771 individuals, i.e. 10.4 per cent of Paraguay's population, suffered from some type of disability. A total of 225,227 of them were aged under 20. There is a Department of Special Education, INPRO, which is an official agency providing medical and social assistance to disabled persons, together with various private organizations, some of them subsidized, which provide assistance in the fields of health, education and work. These institutions' coverage is limited to the capital and the major urban centres, as a result of which disabled persons who live in Paraguay's interior lack access to services and programmes providing comprehensive care.

119. Useful work is being conducted in the following areas:

(a) The policy of decentralization pursued by the Ministry of Public Health and Social Welfare, which has led to a substantial improvement of its services;

(b) The Expanded Programme on Immunization and Control of Acute Diarrhoeic Illness (ACI) has been the programme with greatest impact, firstly on account of its coverage and secondly because diarrhoeic diseases are no longer the prime cause of infant mortality and of mortality among children aged under five. The dissemination of oral dehydration therapy (ORT) is also worthy of note;

(c) Organizations belonging to the Catholic Church's social mission have developed their capacity for sustainable self-management in the fields of infant and maternal health. The Ministries of Health and of Education have also focused their strategy on voluntary workers;

(d) The National Plan of Action for Children has analysed and identified specific measures to which priority is to be given in the period 1993-2000:

Antenatal examination;

Improving hospital care;

Training in oral rehydration therapy;

Information and training in nutritional education;

Improvement of the coverage provided by services;

Greater vaccination coverage;

Overall improvement of housing;

Treatment for acute respiratory infections (ARI);

Nutritional education;

(e) The Human Development Programme, whose purpose is to improve the living conditions of the most needy sectors of the population, and particularly children. The strategy is part of UNDP's human development objective. Over 1 million school-age children have had access to food supplements and 1,000 women's committees have been organized which have formed a national network. The main results forecast are a reduction in the incidence of goitre and an improvement in the rates of enrolment and the school drop-out rate;

(f) The Mother and Child Department, together with non-governmental organizations, will implement the Ministry of Public Health and Social Welfare's Mother and Child Programme. This programme, which was recently approved by UNFPA for 1993-1996, will provide national coverage;

(g) Food aid for vulnerable groups: with the cooperation of the World Food Programme, the Ministries of Health and Education are implementing a programme to provide nutritional complements for pregnant women, lactating mothers and children of school and pre-school age during 1991-1994;

(h) Food and nutrition (1991-1994);

(i) The Pan-American Health Organization's 1991-1994 Programme of Support for the Health Sector, which includes:

Institutional enhancement;

Development of the food and nutrition monitoring system;

Prevention and monitoring of specific nutritional deficiencies (iron, iodine, vitamin A);

Strengthening food and nutritional programmes;

Monitoring and/or eliminating preventable diseases;

(j) PAHO's programme of support for the health sector to identify measures to:

Consolidate the eradication of the polio virus;

Eliminate measles and neonatal tetanus;

Improve mother and child health (1991-1994);

(k) PAHO health sector programme to improve coverage of ante-, peri- and postnatal care and family planning (1991-1994).

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

120. The current National Constitution guarantees free education and stipulates that primary education is compulsory. However, in present social conditions it is impossible to enforce this constitutional guarantee, on account of the high cost of living. The impossibility of sending children to

school is apparent in the illiteracy rate among children aged from 10 to 14, which is 12.5 per cent in urban areas and 24.6 per cent in rural areas.

121. According to the 1991 yearbook of the Ministry of Education and Religious Affairs, there was no variation in the school drop-out rate between 1989-90 and 1990-91 and the wastage index (pupils repeating a year, drop-outs and deceased pupils) was 51.3 per cent in the period 1985-90.

A. Basic education

122. Pre-primary school includes the day-care programmes, kindergartens, Mita-í Roga (children's home) and pre-school. The State finances the pre-school and Mita-í Roga systems at the rate of 53 per cent and 100 per cent respectively, while the private sector provides 83 per cent and 91 per cent of funds for the day-care centres and kindergartens. Pre-primary education is heavily concentrated in towns (76 per cent). Only 24 per cent of places are in rural areas.

123. A total of 735,875 children, i.e. 112 per cent, are enrolled in primary education (7-12). This indicates that many children beyond primary-school age are enrolled, i.e. children who enter school late or who repeat a school year. Rural areas account for 55 per cent of the total enrolment and urban areas 45 per cent. The State sector accounts for 86 per cent of enrolment and the private for 14 per cent (data provided by the Department of Primary Education of the Ministry of Education and Worship).

124. There are 4,691 primary school establishments, 77 per cent of which cover the full curriculum and 29 per cent part of the curriculum. A total of 76.5 per cent of schoolteachers are qualified and 16 per cent are graduates.

125. The percentage of pupils who repeat a year is 85 per cent. The retention rate is low, 51 per cent in 1991, while at the national level it is 48 per cent. The percentage of pupils who repeat a year fell by 8.8 per cent between 1988 and 1990. The number of pupils who abandon school also fell from 5 to 3 per cent. The number of children who give up their studies is gradually declining, and fell from 3.8 per cent to 3.2 per cent in 1990. Over the last six years the retention rate has reached the level of 51 per cent set by the Department of Primary Education as its target.

B. Human resources

126. The 76.5 per cent of teachers who have received teacher training are graduates of teacher-training colleges, teacher-training institutes, of the Higher Institute of Education or of other training centres for graduates, while 23.5 per cent have no teacher training. A total of 31,902 posts are filled by 18,976 teachers. A total of 65 per cent of primary school headships are located in urban areas and 35 per cent in rural areas; 95 per cent of them are filled by qualified staff.

127. Paraguay's primary education is characterized by its low rate of achievement, whose immediate cause is the number of pupils who repeat years. The underlying causes are the dichotomy between the primary level curriculum

and the actual living conditions of the pupils and their families, the critical economic situation which compels children to work on smallholdings or in the streets; difficulties of access to school and the distance between homes and schools in rural areas, malnutrition, the high price of school uniforms, textbooks, etc. The structural causes are the inappropriate curriculum, economic pressure deriving from the struggle for survival of pupils from poor families in rural and marginal areas, dispersal of the population, etc. The fundamental causes include limited human resources, shortcomings of the curriculum, the low pay of teachers, insufficient teacher-training centres, the lack of funds to purchase textbooks, teaching material and equipment.

C. Educational reform

128. One of the priorities of the educational reform put forward by the Ministry of Education and Worship is a substantial improvement in all levels of education. Regionalization and decentralization are proposed in order to rationalize and improve technical and administrative processes and decisions for resolving the problems of repetition, drop-out and other factors that undermine the educational system. In the educational sphere, the National Plan of Action for Children focuses on consolidating and developing basic education for all, comprising the pre-primary, primary and special primary levels as well as literacy courses and adult education. Cooperation programmes are designed:

(a) To support the formulation of education policy;

(b) To provide support for the preparation of course material;

(c) To provide teacher-training and performance monitoring;

(d) To support the production, printing and distribution of material.

D. Leisure

129. The Secretariat for Children and Adolescents of Asunción Municipality is responsible for organizing leisure, recreational, cultural activities and entertainment for children. Recreational and cultural activities are also organized by non-governmental organizations, in some cases with official support.

VIII. SPECIAL PROTECTION MEASURES

130. A proportion of the 40.4 per cent of children aged between 0 and 14 are particularly disadvantaged or at risk, and require special and urgent attention on the part of the State. As an initial estimate, there are some 40,000 children in such circumstances. This category is also described as "children in particularly difficult circumstances".

A. Children in conflict with the law

131. State-supported institutions that take in juveniles who are in conflict with the law or who have been neglected lack the infrastructure and human

resources necessary to ensure their comprehensive development or to assure their full reintegration into society once they leave the institution.

132. The "María Reina" Institute for Rehabilitation deals with adolescent girls in conflict with the law or who are at risk. It accommodates minors, 50 per cent of whom are interned for theft or pilfering. The children receive more individual care and recidivism is rare.

133. The police stations specialized in dealing with women (Comisarías de Mujeres) operate, in a manner of speaking, as a hostel which seeks to provide temporary accommodation for adolescent girls who are incarcerated and to refer them, after specialized diagnosis, to existing organizations and services dealing with their particular problems.

134. Sexually exploited minors (engaged in prostitution) are incarcerated and temporarily isolated by the police in order to remove them from their former occupation; unfortunately, they are subsequently sent back to the streets, as there are no alternatives of integration into work or a family to enable them to give up their habitual occupation.

135. The specialized police station for men (police station No. 17) operates on virtually the same lines as the specialized police station for women.

136. With the exception of a number of isolated initiatives, there is no plan, as provided for in prison legislation and other legal instruments, for the social reintegration of detainees after their release, or for the physical and psychological rehabilitation of ill-treated or sexually abused juveniles.

137. The establishment of the Technical Criminology Department and of the Comprehensive Plan for diagnosis, classification and treatment of the Directorate-General of Penal Institutions were approved in September 1992 by decision No. 21/92. The Department comprises an interdisciplinary group and will initiate the classification of detainees in order to provide them with treatment while in prison for the purpose of reinsertion after their release.

138. The Panchito López Institute's legal assistance programme for young offenders, which has been conducted by legal advisers of the Directorate-General for Human Rights since August 1991, is designed to provide legal assistance for juveniles in a situation of critical poverty.

139. Title II, Book III, article 20 of the Juvenile Code refers to neglected minors and minors at risk in the following terms:

> "Whenever the Juvenile Magistrate has cognizance of minors aged under 20 in a state of material or moral neglect or who are in danger he shall undertake the appropriate investigation, obtain the requisite reports and take suitable measures to protect them.
>
> Minors shall be considered as in danger whenever they are induced to lead a life that is at variance with morality; this shall include prostitution."

140. Neglected minors or minors in danger shall be the responsibility of the Minors' Guardianship Courts, which are required, under article 227, paragraphs I and J, to assume jurisdiction over and settle:

> "Matters relating to the protection of neglected minors or minors in danger, in accordance with this Code, with the exception of those cases involving minors in danger which are the responsibility of the Correctional Court ... and,
>
> To adopt whatever measures and arrangements it deems necessary for the benefit of such minors."

or of the Juvenile Magistrate for Correctional Cases, pursuant to article 231, paragraphs C and D, which is required:

> "To investigate and hear matters relating to the protection of minors in danger, pursuant to this Code ... and,
>
> To order minors subject to correctional jurisdiction to be placed under the authority of their parents, to order their internment in specialized establishments or foster homes or to adopt in their regard any other measures provided for by this Code."

B. Children in situations of exploitation

141. Minors aged over 12 employed in the formal sector are protected by the Labour Code. Accordingly, they are entitled to certain benefits which extend to all workers. However, there is no official register of them, as provided for by the Juvenile Code; this is the responsibility of the Directorate-General for the Protection of Juveniles.

142. It is estimated that at least 15,000 minors, from approximately 7,000 families are employed in the informal sector in Gran Asunción; their ages vary from 8 to 16, 88 per cent of them are male and 12 per cent female. A total of 54 per cent are from poor families that live in shanty towns and in 62 per cent of cases their families have neither a fixed nor a guaranteed income. Some 33 per cent of these minors in Gran Asunción do not attend school and a high percentage (96 per cent) live with their parents, with one of their parents or with their relatives.

143. Street children are adolescent boys or girls who live mainly in the street, and for whom the street is the essential factor in their growth and development. Of the minors who work in the street, 2 per cent are street children. This category of minors engages in temporary employment, depending on circumstances. Approximately 60 per cent of street children have at some time been detained by the police.

144. Victims of ill-treatment and sexual abuse are to be found in all spheres of society, although those cases that give rise to complaints are linked to socio-economic problems, such as unemployment or alcoholism. In most cases the perpetrators are stepfathers, stepmothers, uncles or aunts and even the

parents themselves. Although there are no reliable records, approximately 16 complaints of ill-treatment or sexual abuse are lodged each day, i.e. approximately 4,000 cases per year.

145. It is not known exactly how many minors are accommodated in institutions on various grounds. There are 74 institutions accommodating minors, which are registered and supervised by the Directorate-General for the Protection of Juveniles. The Juvenile Guardianship and Correctional Magistrates occasionally request periodic inspections of the conditions of internment.

146. There is no clear evidence, but only the results of sporadic investigation by the police, of the sale, traffic and kidnapping of children; there is no systematic record of complaints, although investigations have been made into all the complaints filed.

147. There are 17 ethnic groups in Paraguay, belonging to 5 linguistic families. As a result of the promulgation of Act No. 904/81, known as the "Indigenous Communities Statute", the right of the indigenous population to private property has been recognized. According to the 1982 National Census of the Indigenous Population, of the 29,437 children of school age, 33 per cent (9,732 children) had attended primary school and 173 children (0.58 per cent) secondary school. The percentage that went on to university is not known. Indigenous children and adolescents take part in the life of their community, in accordance with the habits and customs of their people's culture.

148. Article 332 of the Penal Code has been amended as follows:

> "A procurer who promotes or facilitates corruption to satisfy the sexual desires of another person shall be liable:
>
> 1. To between 3 and 6 years' rigorous imprisonment, if the victim is aged under 12.
>
> 2. To between 2 and 4 years' rigorous imprisonment, if the victim is aged between 12 and 15.
>
> 3. To between 2 and 3 years' rigorous imprisonment if the victim is aged between 15 and 20."

149. Article 323 of the Penal Code has been amended as follows: "Anyone who without encouraging prostitution or corruption, facilitates it, shall be punished by half the sentences laid down in the previous article, even if the person concerned consents."

150. Article 7 of the Penal Code stipulates: "The trade, traffic or transfer of adult women from one country to another for the purpose of prostitution, even with their consent, and procurement or recruitment for prostitution shall be punished by from four to eight years' rigorous imprisonment. If the persons concerned are minors, the penalty shall be double."

151. The Family Department of Metropolitan Police is implementing a programme in the spheres of prevention, coordination of institutional measures and assistance for young offenders, which embraces therapeutic care, legal aid and research.

152. The National Campaign for the Prevention of Physical and Sexual Abuse was declared to be of national interest by Executive Decree No. 7743. The objectives of the campaign were the following: to develop awareness among the population of the scale of the problem, to educate it as to the possible causes, to provide information on the forms taken by abuse and to offer specific alternative means of prevention and to publicize public or private institutions providing legal and psychological support.

153. The Department of Social Welfare of the Ministry of Public Health and Social Welfare has recently initiated a programme to provide psychological and social assistance for minors.

154. The programme of sectoral support for minors in particularly difficult circumstances, which is part of the National Plan of Action for Children, covers minors who fall into the following categories:

(a) Children fending for themselves;

(b) Street children;

(c) Minors who are the victims of ill-treatment and neglect;

(d) Minors in institutional care;

(e) Minors affected by natural disasters;

(f) Minors in specific need of preventive care;

(g) Programme for children.

C. Disabled minors

155. The Constitution contains guarantees to protect the dignity of the disabled.

156. The Department of Special Education fosters and monitors effective access to education and training and to rehabilitation services, through numerous private and public agencies active in this sphere.

157. The National Institute for the Protection of Persons with Special Needs provides free assistance in respect of health and rehabilitation.

158. Efforts in various spheres by disabled persons themselves have made it possible for them to participate in national life. They are represented on the Municipal Council of Asunción, through which they are engaged in efforts to improve health services, to provide job training and to eliminate architectural hurdles, to promote social integration, including the cultural development of handicapped persons.

IX. GENERAL CONSIDERATIONS

159. With the inception of the transition to democracy, the constitutional authorities have requested and obtained assistance from the United Nations in the sphere of human rights. Thus, the Centre for Human Rights, the United Nations Development Programme and the Government have entered into an agreement to promote and protect human rights, whose objective is to promote all the international human rights instruments ratified by Paraguay. Various activities have been organized, including the International Comparative Symposium for a Constitutional Reform, activities within the formal educational system, the production of outreach material, etc.

160. As this is an initial report, the Government of Paraguay wishes to indicate to the Committee its willingness to comply with any recommendations it may make and to undertake jointly any cooperation programme considered appropriate. The Government is aware of the problems besetting Paraguay's children and it is prepared to do everything within its power to remedy them. It is confident that the Committee will cooperate with it in this arduous task.